

REMARKS

Claims 1-6 are pending in the application. Claims 1 and 3 have been amended and new claims 5 and 6 have been added. No new matter is added by the amendments. Support for the amendment is found in the specification at least at page 10, lines 19-20 and page 13, line 23.

I. Rejection of Claims 1 and 3 Under 35 U.S.C. § 102(b) / § 103(a) Based Upon U.S. Patent No. 3,657,013.

The Examiner has rejected claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,657,013 of Melin. Alternatively, the Examiner has rejected claims 1 and 3 under 35 U.S.C. § 103(a) as being rendered obvious over Melin. The Examiner characterizes Melin as teaching a precipitation process for obtaining nickel hydroxide that results in a residual sulfate amount of 0.4 to 0.6% or a residual sulfate amount of 0.1 to 1.2%. Melin, according to the Examiner, instructs that the residual sulfate content is dependent chiefly on the pH value chosen in a second precipitation step in the formation process. After the first precipitation process, a second precipitation process is employed during which the greater part of the anions of a metallic salt (sulfate anions) or metallic salts absorbed into the hydrogen precipitate are released without alteration of the crystal structure of the hydroxide precipitate. As disclosed in Melin, the nickel hydroxide is used for the positive electrode of an alkaline battery.

The applicants respectfully traverse the rejection.

In the background section of the Melin reference a continuous procedure for preparing nickel hydroxide is disclosed. However, the specific physical characteristics of the resultant nickel hydroxide, including its shape and its mean particulate size are not disclosed.

This contrasts with the present invention. The nickel electrode active material for alkaline storage battery as claimed includes a nickel hydroxide that has a spherical form with a mean particle size of about 10 microns. Melin is silent on the form and mean particle size of the disclosed material.

Moreover, Melin does not render the claimed invention obvious as it does not teach or suggest a nickel electrode active material containing a nickel hydroxide that has a spherical form with a particle size of about 10 microns, nor is there any reason in the Melin patent that would

have caused a person of ordinary skill to modify the continuous procedure disclosed in the background to prepare such a nickel electrode active material.

Accordingly, for at least these reasons it is submitted that Melin neither anticipates nor renders obvious the invention as claimed. Reconsideration and withdrawal of the rejection is respectfully requested.

II. Rejection Under 35 U.S.C. § 102(e) / § 103(a) Based Upon U.S. Patent No. 5,879,835 of Kawase, *et al.*

The Examiner has rejected claims 1-4 under 35 U.S.C. § 102(e) / § 103(a) as being anticipated by, or in the alternative, obvious over U.S. Patent No. 5,879,835 of Kawase, *et al.* ("Kawase"). The Examiner states that Kawase teaches a method of manufacturing a nickelous positive electrode active material for an alkaline battery that has a formation process in which nickel hydroxide and cobalt hydroxide are formed by adding an alkaline metal hydroxide to a reaction system containing nickel ions and cobalt ions. The nickelous active material can suppress the self-discharging of the battery.

The applicants traverse the rejection.

The present invention, in contrast to the Kawase active material, includes a nickel electrode active material containing nickel hydroxide that is in a spherical form with a mean particle size of about 10 microns (claims 1 and 2) and a pasted nickel positive electrode containing this nickel hydroxide (claims 3 and 4). These elements are not included in Kawase; no information concerning the form or size of the active material of Kawase is disclosed.

Accordingly, Kawase neither anticipates nor renders obvious the invention as claimed. Reconsideration and withdrawal of the rejection is requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that claims 1-6 are distinguished over the prior art. Reconsideration and allowance of the claims at the earliest opportunity is respectfully requested.

Respectfully submitted,

KIYOSHI HAYASHI, et al.

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By:

Kristyne A. Bullock
KRISTYNE A. BULLOCK

Registration No. 42,371

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1348

Facsimile: 215-965-1210

E-Mail: kbullock@akingump.com

KAB:cmb
7145753